IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 23125 of 2000

Between:

P.Thippanna, S/o. P.Peddaappaiah,
R/o. Kambalaparthi Village, Vengalammacheruvu

Post, Puttaparthi Mandal, Anantapur District.

..... PETITIONER

AND

1 The District Collector, Anantapur.
2 The Revenue Divisional Officer,

Penugonda, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction in the nature of writ of Certiorari call for the records relating to the 2nd notification Rc.No.1450/2000 on the file of the 2nd respondent and quash the same and consequently direct the 2nd respondent to restore the first notification in RC.No.1450/2000 dated 10-10-2000 and reserve the Kambalaparthi Village F.P.Shop to the Schedule-Caste Candidates and pass such other order or orders.

Counsel for the Petitioner: SMT.A.CHAYA DEVI

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

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ORDER:

Heard both sides.

The petitioner herein, who is a Scheduled Caste candidate, files this writ petition, *inter alia*, seeking a writ of Certiorari challenging the impugned notification, dated 07.11.2000, calling for fresh applications for providing the Fair Price Shop dealership of Kambalaparthi Village.

The case of the petitioner, in brief, is that in pursuance of the notification, dated 10.10.2000, the petitioner has submitted his application and that after the written test and interview held on 28.10.2000, he was selected for the said Fair Price Shop dealership. However, subsequently, without giving any reasons or without cancelling the earlier notification, dated 10.10.2000, and without any intimation to the petitioner, the respondents have issued a fresh notification on 07.11.2000 calling for applications in the general category, which is totally illegal. Hence, the writ petition.

Learned Government Pleader appearing on behalf of the respondents submits that having regard to the fact that in the earlier notification, dated 10.10.2000, the dealership of the said Fair Price Shop was reserved for Scheduled Caste candidates and since the petitioner's application was the sole application received, a fresh notification was issued on 07.11.2000 for the general candidates.

This Court did not grant any stay for the subsequent selection

process. However, it is now represented by the learned Government Pleader that even in pursuance of the second notification, dated 07.11.2000, no appointments have been made and the same is only for the neighbouring village, which has to be put in-charge.

Having considered the submissions made by both the learned counsel and on perusal of the material on record, it is to be seen that once a process begins, it has to see its original end, unless and until the same is apparently cancelled. In pursuance of the notification issued earlier for the reserved category, there is no allegation against the petitioner. Receiving of sole application of the petitioner in response to the notification, dated 10.10.2000, cannot be a ground for cancelling the said notification. No other reasons have been pointed out by the learned Government Pleader appearing on behalf of the respondents herein for cancelling the earlier notification, dated 10.10.2000. In fact, there is no such order of cancellation.

In the circumstances, the writ petition is accordingly allowed. The respondents are directed to complete and finalize the process of selection in pursuance of the notification already notified on 10.10.2000. No costs.

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B.PRAKASH RAO, J

30.08.2004

DR

To

1 The District Collector, Anantapur.

2 The Revenue Divisional Officer,

Penugonda, Anantapur District.

3 Two CCs to Government Pleader for Civil Supplies,

High Court Buildings, Hyderabad. (OUT)

4 Two CD copies.